

***IN THE DISTRICT COURT OF THE UNITED STATES***

***for the Western District of New York***

---

**NOVEMBER 2017 GRAND JURY  
(Impaneled November 3, 2017)**

**THE UNITED STATES OF AMERICA**

**-vs-**

**INDICTMENT**

**DANIEL VILLAFANE-LOZADA**

**Violations:**  
Title 18, United States Code,  
Sections 2252A(a)(5)(B) and 2422(b)  
(3 Counts and Forfeiture Allegation)

**COUNT 1**

**(Enticement of a Minor)**

**The Grand Jury Charges That:**

Between in or about November 2016 and in or about January 2017, in the Western District of New York, the defendant, **DANIEL VILLAFANE-LOZADA**, did use a facility and means of interstate and foreign commerce, that is, the internet, to knowingly persuade, induce, entice, and coerce Victim 1, a person known to the Grand Jury, an individual who had not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense.

**All in violation of Title 18, United States Code, Section 2422(b).**

## **COUNT 2**

### **(Possession of Child Pornography)**

#### **The Grand Jury Further Charges That:**

On or about April 19, 2018, in the Western District of New York, the defendant, **DANIEL VILLAFANE-LOZADA**, did knowingly possess material, that is, one Toshiba micro SD memory card, that contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).**

## **COUNT 3**

### **(Possession of Child Pornography)**

#### **The Grand Jury Further Charges That:**

On or about April 19, 2018, in the Western District of New York, the defendant, **DANIEL VILLAFANE-LOZADA**, did knowingly possess material, that is, one LG G4 smartphone, model US991, bearing serial number 602KPED0226908, that contained images

of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, that had been shipped and transported using any means and facility of interstate and foreign commerce; that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer; and that had been produced using materials that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

**All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and 2252A(b)(2).**

### **FORFEITURE ALLEGATION**

#### **The Grand Jury Alleges That:**

Upon conviction of any of the offenses alleged in this Indictment, the defendant, **DANIEL VILLAFANE-LOZADA**, shall forfeit to the United States any matter which contains any such visual depiction of child pornography, which was produced, transported, mailed, shipped, or received and/or any and all property, real and personal, used or intended to be used to commit or to promote the commission of such offense, and all property traceable to such property, including but not limited to the following:

- a. One (1) Focus Mini Computer Tower, bearing serial no. 1712FD4914010093;
- b. One (1) LG Smart Phone, bearing serial no. 602KPED0225908;
- c. One (1) Toshiba Hard Drive, bearing serial no. 25NAT4BASZ69;

- d. One (1) Seagate Hard Drive, bearing serial no. 9VM9EV35; and
- e. One (1) Toshiba Micro 4G SD Card.

**All pursuant to Title 18, United States Code, Sections 2253(a)(1), 2253(a)(3), and 2428(a).**

DATED: Buffalo, New York, June 27, 2018.

JAMES P. KENNEDY, JR.  
United States Attorney

BY: S/JEREMY V. MURRAY  
Special Assistant United States Attorney  
U.S. Attorney's Office  
Western District of New York  
138 Delaware Avenue  
Buffalo, New York 14202  
(716) 843-5831  
Jeremy.Murray@usdoj.gov

A TRUE BILL:

S/FOREPERSON